

EXHIBIT XX

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

EQUAL EMPLOYMENT OPPORTUNITY)

COMMISSION,)

Plaintiff,)

and)

KATHY KOCH,)

Intervenor/Plaintiff,)

v.) Case No:

LA WEIGHT LOSS CENTERS, INC.,) WDQ 02-CV-648

Defendant.)

- - - - -

VIDEOTAPED DEPOSITION OF ELVIRA SISOLAK

Wednesday, February 7, 2007

Reported by: Lori G. Mackenzie, RPR

Job No: 178831

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1 must have misunderstood your answer when you
2 referred to these six factors.

3 My question was, other than general
4 sales experience, and some subjective
5 qualification factors that you referred to
6 generally a couple of minutes ago, what, if
7 anything else, were the qualifications that LA
8 Weight Loss applied in deciding who would be
9 hired as a counselor?

10 MR. PHILLIPS: Objection. Vague,
11 overbroad.

12 THE WITNESS: Okay. As long as you
13 will accept that we talked about customer
14 service, sales, and these kinds of criteria that
15 are discussed about the various industries and
16 the subjective, I think that's primarily what the
17 qualifications were.

18 BY MR. WETCHLER:

19 Q. So, the qualifications are customer
20 service, sales, and subjective.

21 Do I have that right?

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1 A. Right. But, the sales is broad. I
2 mean, it includes all of these categories, we're
3 talking about, in all of these industries and
4 everything.

5 Q. Right. What were the subjective
6 qualifications for employment at LA Weight Loss
7 for counselor positions?

8 MR. PHILLIPS: Objection. Vague.
9 Overbroad.

10 THE WITNESS: Well, the ones I
11 remember were personality characteristics, I
12 would say.

13 BY MR. WETCHLER:

14 Q. What personality characteristics?

15 A. I don't remember them specifically.
16 I can't measure those things, so, I don't focus
17 on them too much.

18 But, it's generally how one presents
19 oneself in the opinion of the person doing the
20 interview.

21 Q. All right. Is this the only

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1 personality characteristic you understand that LA
2 Weight Loss took into account in deciding which
3 candidates to hire for counselor positions?

4 A. I don't think I said that. I think
5 I said generally there were these personality
6 characteristics and they have to do with how a
7 person presents themselves.

8 How he talks, how he smiles, how he,
9 you know, things like that, things I cannot
10 measure.

11 Q. Can you provide me with any other
12 description or clarification about your
13 understanding of the personality characteristics
14 LA Weight Loss looked for in deciding which
15 candidates to offer counselor positions to?

16 MR. PHILLIPS: Anything beyond what
17 she's already said?

18 MR. WETCHLER: No.

19 THE WITNESS: Okay. I read
20 documents that gave questions regarding
21 interviews and the kinds of questions one should

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1 ask.

2 They had -- or the kinds of
3 observations that the recruiters should make
4 regarding the person being interviewed.

5 And they were, in my mind, for the
6 most part subjective. They were things I could
7 not measure, such as how one speaks, how one
8 looks, how one is dressed, those kinds of things.

9 And there are many of them and I
10 cannot remember them, because I cannot measure
11 them. So, I didn't focus on them.

12 BY MR. WETCHLER:

13 Q. Is it fair to say that -- well, that
14 you didn't focus on the subjective factors that
15 LA Weight Loss took into account in deciding
16 which candidates to hire as counselors in the
17 preparation of your report?

18 A. I -- that's what I just said, I did
19 not focus on them, yes.

20 They are incorporated in these other
21 categories for sure, the sales experience and

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1 customer service.
 2 Q. When you say the other categories,
 3 do you mean the other six, do you mean the six
 4 categories listed on top of Page 10 of your first
 5 report?
 6 A. Yes.
 7 Q. Do you mean anything else by that?
 8 A. That's all I can think of right now.
 9 Q. Have you seen any documents or
 10 testimony that would indicate that there were
 11 recruitment sources shown in your Table 1 or any
 12 other places to look for candidates?
 13 A. Well, I believe the phrase used was
 14 there are places -- sources of, it can be sources
 15 of the ideal employee. So it wasn't just the
 16 candidates, it was the ideal employee.
 17 Q. Have you seen any documents or
 18 testimony indicating that if a candidate works in
 19 a department store, for example, that LA Weight
 20 Loss considers that they're qualified to be hired
 21 to work at LA Weight Loss for that reason alone?

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1 A. No.
 2 Q. Have you seen any documents or
 3 testimony indicating that if a candidate works in
 4 a wireless/communication business, shown in your
 5 Table 1, that LA Weight Loss considers that
 6 they're qualified to be hired for work at LA
 7 Weight Loss for that reason alone?
 8 A. No.
 9 Q. Have you seen any documents or
 10 testimony indicating that if a candidate works in
 11 the airline business, shown in your Table 1, that
 12 LA Weight Loss considers that they are qualified
 13 to be hired for work at LA Weight Loss for that
 14 reason alone?
 15 A. No.
 16 Q. Have you seen any documents or
 17 testimony indicating that if a candidate works in
 18 a department store, which is one of the sources
 19 shown in your Table 1, that LA Weight Loss
 20 considers that the person is qualified to be
 21 hired for work at LA Weight Loss for that reason

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1 alone?
 2 A. I think you may have asked me that,
 3 but, no.
 4 Q. If I did, I apologize.
 5 MR. PHILLIPS: I think you did,
 6 but --
 7 BY MR. WETCHLER:
 8 Q. All right. Directing your attention
 9 to Page 3 of your first report, the -- I guess
 10 it's the first, the second full paragraph, the
 11 one that starts with "the very general nature."
 12 Do you see that?
 13 A. Yes.
 14 Q. All right. The last sentence in
 15 that paragraph says as follows: "Other customer
 16 service jobs that did not include selling, such
 17 as airline flight attendant and social services
 18 worker are also listed among the good
 19 candidates."
 20 Do you see that?
 21 A. Yes.

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1 Q. Okay. It's your opinion that when
 2 it came to evaluating employment history, LA
 3 Weight Loss thought that working in a customer
 4 service job was generally acceptable experience
 5 for a candidate for a counselor position to
 6 possess?
 7 A. That was my interpretation of the,
 8 at least some portion of that deposition
 9 testimony.
 10 Q. And, again, that's the deposition
 11 testimony that you have read into the record and
 12 it's included in your first report, correct?
 13 A. Yes.
 14 Q. All right. So, it's your opinion
 15 that one of the types of experience that LA
 16 Weight Loss would consider to qualify someone for
 17 employment as a counselor was working in a
 18 customer service job, correct?
 19 MR. PHILLIPS: Objection. Asked and
 20 answered.
 21 THE WITNESS: Could I hear the